GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Municipal Administration And Urban Development (CRDA) Department - Allotment of sites for housing purpose-"Navaratnalu-Pedalandariki Illu - Request of the District Collectors of Krishna and Guntur for allotment of sites for housing purpose in CRDA for beneficiaries of CRDA - Order of Hon'ble High Court of Andhra Pradesh dated.23.03.2020 in IA No.1 of 2020 in W.P.No.49 of 2020 and batch cases - Revised Orders - Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (CRDA.2) DEPARTMENT

G.O.Ms.No.131 **Dated:02.04.2020**

Read the following:-

1. From the Commissioner, APCRDA File. No.CRDA/Land Allotments/2020, dt.20.02.2020
2. G.O.Ms.No.107, MA&UD (CRDA) Dept., dated:25.02.2020.
3. Common Order dated.23-03-2020 of Hon'ble High Court of Andhra Pradesh in I.A.No.1 of 2020 in W.P (PIL) No. 49 of 2020, I.A.No.1 of 2020 in W.P. No. 5994 of 2020, I.A.Nos.1 & 2 of 2020 in W.P (PIL) No. 42 of 2020, I.A.Nos.1 & 2 of 2020 in W.P No. 5140 of 2020.
4. G.O.Ms.No.99, Revenue(Lands-I) Dept., dated:31.03.2020.

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ORDER:

The Government in furtherance of its commitment to the welfare of the people of the State has decided to provide housing to all homeless, eligible below poverty line beneficiaries residing in Rural and Urban areas of the State on saturation mode irrespective of caste, creed or Religion under "Navaratnalu-Pedalandariki Illu" programme and the guidelines therefore were issued in the G.O. Ms.No.367, dt.19.08.2019 read with G.O.Ms.No.488, dt.02.12.2019 by the Revenue (Assignment-1) Department and further modalities were prescribed in G.O.Ms.No.44, Revenue (Assignment-1)Department, dt.12.02.2020.

2. In pursuance of the said scheme, the District Collectors of Krishna and Guntur District addressed the CCLA and Government about the shortage of Government lands in the respective Districts for distribution of house sites and thereafter correspondence ensued requesting the Commissioner, APCRDA for allotment of lands in the villages of Nowluru, Krishnayapalem, Nidamarru, Inavolu, Kuragallu and Mandadam of an extent of 1251.51 cents. The same were to be conveyed to the beneficiaries identified who are residents of Vijayawada Municipal Corporation, Tadepalli Municipality, Mangalagiri Municipality and selected Gram Panchayats of Tadepalli, Duggirala, Mangalagiri and Pedakakani Mandals.

3. As a consequence to the above, instructions were issued to the CRDA in the G.O.Ms.No.107, MA&UD (CRDA) Dept., dt.25.02.2020. In the reference 3rd read above, the Hon'ble High Court, in its common order dated.23.03.2020 in I.A.No.1 of 2020 in W.P (PIL) No. 49 of 2020 and batch cases, prima facie, held, inter alia, that the procedure and the process obligated under the APCRDA Act, 2014 and its Regulations and Master Plans have not been complied with while providing for the distribution of lands within the Capital City Area. The Hon'ble High Court suspended the operation of the said G.O.Ms.No.107, MA&UD (CRDA) Dept., dt.25.02.2020. The Hon'ble High Court vide the common judgment dt.23.03.2020 inter alia, prima facie found that the G.O.Ms.No.367,

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dt.19.08.2019 and G.O.Ms.No.488, dt.02.12.2019 issued by the Revenue Department to be in conflict with the provisions of the Act. The Government have decided to file an SLP in the Hon'ble Supreme Court on the findings of the Hon'ble High Court limited to the scope and purport of the term "housing" and the terms "Economically Weaker Sections" and "poor" etc.

4. In pursuance of the directions of the Hon'ble High Court, the Revenue Department of the Government issued G.O.Ms.No.99, dt.31.03.2020 in partial modification of the guidelines issued in G.O.Ms.No.367, dt.19.08.2019 and G.O.Ms.No.488, dt.02.12.2019.

5. The Government after careful consideration of the matter, hereby issues the following directions to APCRDA, under Section 16 of the APCRDA Act, 2014 :

i) The APCRDA shall take up the process of allotment of lands within the Capital City area, as requested by the District Collectors of Krishna and Guntur Districts, and as processed by the APCRDA Commissioner, in the reference 1st read above.

ii) The APCRDA shall comply with the directions of the High Court in the above referred judgement as regards following the procedure contemplated under Section 127, 128 and 130 of the APCRDA Act, 2014 and the statutory rules made there under for allotment of land to the Revenue Department of the Government for achieving the objectives of the Pedalandariki Illu scheme, construing the Revenue Department of the Government to be an applicant for the purposes of Regulation 6.5.1 of the Amaravati Land Allotment Regulations, 2017 as issued in G.O.Ms.No.229, MA&UD(CRDA) Dept., Dt.15.06.2017 and amended by G.O.Ms.No.96 MA&UD (CRDA) Dept., dt.01.03.2019.

iii) The CRDA shall, in exercise of its power under Rule 9.4 of Amaravati Land Allotment Rules, 2017 as issued in G.O.Ms.No.228, MA&UD(CRDA.2) Department, Dt.15.06.2017, relax the operation of any of the said Rules as deemed necessary, limited to the special case of the scheme of the Government under 'Pedalandariki Illu' to achieve the objectives of the Act, more particularly, under Section 53(1)(d) of the APCRDA Act, 2014, thereof.

iv) Also, due changes in the master plan as may be deemed necessary be undertaken by the CRDA as per laid down procedures within the Act, rules/regulations/standing orders including any relevant Authority resolutions.

v) All preparatory steps in this regard shall be taken in pursuance of the above and shall await and abide by the directions of the Honourable Supreme Court in the SLP to be filed by the Government and APCRDA, and further directions as may be issued by the Hon'ble High Court.

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6. The G.O.Ms.No.107, MA&UD (CRDA) Dept., Dt.25.02.2020 referred in the reference 2nd read above, shall stand superseded as herein above.

7. The Commissioner, Andhra Pradesh Capital Region Development Authority(APCRDA) shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

To
The Commissioner, Andhra Pradesh Capital Region Development Authority, Vijayawada.
The Collector & District Magistrate, Krishna
The Collector & District Magistrate, Guntur
Copy to
The Additional Secretary to Hon'ble Chief Minister
The OSD to Hon'ble Minister for MA&UD
The PS to Chief Secretary
The PS to Principal Secretary to Government, Revenue Department.
The PS to Secretary to Government, MA&UD Dept.,

// FORWARDED :: BY ORDER //

SECTION OFFICER